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RWANDAN REFUGEE RETURN

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DESIRABILITY AND TIMELINESS OF VOLUNTARY REPATRIATION

The mass exodus of Rwandans seeking safety in Zaire that began July 14, rapidly reached as many as 2 million people and has created a humanitarian crisis of dreadful proportions because cholera struck almost immediately. The logistical difficulties of mounting an adequate response have lent added urgency to the standard solution for refugees -- voluntary repatriation.

An additional sense of urgency comes from the fact that the next agricultural cycle is fast approaching. The harvest is overdue and fields full of untended crops may soon rot, squandering a major food resource in the greater Horn where some 20 million others may be at risk from famine. Rains are expected next month that will allow for planting in September before the heavier rains of October. Rains of course also magnify the sanitation problems in refugee and displaced person camps and make overland transportation much more difficult.

Early voluntary repatriation, while the situation is still dynamic, could help prevent extremists among the refugees from solidifying their hold on people and could help prevent the hardened attitudes and hatred that often develop in dispossessed refugee populations, creating fertile ground for future conflict. An early resolution to the refugee problem would also slow the pace of the environmental degradation in Zaire and Tanzania caused by the large concentrations of people in search of wood for fuel and construction. Finally, if the local Goma volcano is going to erupt, it would be better if refugees -- and the relief effort -- were not in its path!

INTERNATIONAL OBJECTIVES

In addressing this crisis, the international community (and the USG as a key player that has been first to mobilize a military force that will likely include 5,000 troops) has two primary goals -- to relieve human suffering and to preclude further destabilization of the region. All actions must be taken with a view to the possible regional repercussions -- in Burundi in particular, but also in ethnically conflicted eastern Zaire.

KEY CONSIDERATIONS

Real Return

Return home must be not only to within Rwanda's borders, but to the refugees' original homes -- to the extent possible.

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The recent (since last October) post ethnic-killing experience in Burundi suggests that Tutsi and Hutu may no longer feel completely comfortable with their earlier inter-mixed living arrangements and there might be some new segregation by ethnicity. Trading refugee status for internally displaced person status does little to nothing to relieve human suffering or to lessen the burden on the international relief mechanisms. Cholera does not respect borders and large concentrations of people require the same kind of aid no matter in what country they are located. Removing the Government of Zaire from the equation would be a plus.

Building Confidence

Rwandan refugees will choose to go home when they believe that they will be secure in Rwanda. They did not flee their country because they were hungry; nor will they return because an international relief effort might provide food and other aid to them in Rwanda. The nomadic Somalis are probably the only refugees in the world who are attracted to refugee camps. The rest of the world's refugees who are in camps are there because they have had no option to return home. The notion of "demagnetizing" Rwandan refugee camps in Zaire is simply not useful. A quick look at CNN should make it abundantly clear that refugee camps in Zaire are unlikely to become comfortable places to live anytime soon.

Correspondingly, the new government in Rwanda will cooperate fully with refugee repatriation when it feels secure about the return of millions of largely Hutu refugees. The RPF suggestion that it will need to "screen" returnees is potentially quite troubling. Clearly, any nation has a right to keep criminals and other undesirable types from entering its territory (cf., our own visas lookout systems). In the case of Rwanda, it would be understandable to have a process for picking up those who may be guilty of acts of genocide and for limiting the reinfiltration of armed extremist elements. Such a process should be completely transparent and in no way infringe on the right of return. Nonetheless, the existence of a screening process could be a significant disincentive to voluntary repatriation.

A sense of security might be created through a strengthening of UNAMIR that would enable the U.N. force to show a deterrent presence throughout the country. Joint UNAMIR-RPF patrols have been suggested as a confidence-building measure. This assumes a certain credible neutrality to the UNAMIR force; both Tutsi and Hutu, however, might have reason to reproach UNAMIR for failing to save them. The recent RPF assurances of cooperation with UNAMIR are encouraging.

The continued existence of the French safe zone may not be

particularly helpful in trying to establish a sense of security throughout the country. There could be great suspicion about who continues to need special protection and why. The possibility of moving from Zaire to a kind of intermediate zone leads to the problem of simply exchanging refugee status for displaced person status.

War Crimes Tribunal and Amnesty

A sense of security might also be created through the rapid establishment of a credible international system for identifying, apprehending, trying, and punishing those guilty of genocide. This would certainly enhance the RPF's confidence in the international community's commitment to justice and to protection of the Tutsi minority and might undercut the potential for summary justice. It might equally strike fear in the Hutus. A general amnesty for those who were not in leadership positions might be appropriate as was done in Burundi after the 1988 ethnic killings. In any event, the Burundi will be watching closely to see how this issue plays out in Rwanda and what it might portend for them.

Recognition

International recognition -- formal or de facto -- of the new Rwandan government may be a factor in creating a sense of security. Recognition would probably boost the confidence of the Tutsis that the world is now prepared to protect their interests and enhance their willingness to allow the return of far superior numbers of Hutus. Recognition might increase the leverage of outsiders in demanding that the new government perform well with respect to basic human rights, for example, allowing displaced persons to leave camps and punishing those guilty of extracting summary justice. Recognition might also boost the refugees' confidence in the prospect of safe return. As with most of these key considerations, however, recognition could play differently to different audiences. The rump FAR forces in Zaire might view recognition of the new government as a hostile act and target nationals of countries dealing with the new authorities.

Land

Access to land is an important element of a sense of security. Burundi in 1988 holds the record for the most rapid voluntary repatriation ever. (Other rapid returns such as that of the Kurds have been under duress.) Efforts of the Burundi authorities to keep others from squatting on the refugees' lands in that equally land-short country were critical in assuring the refugees of a welcome home. Earlier waves of Burundi refugees had lost their land and today their return is enormously complicated by the land question.

We must remember the 1960-era Rwandan refugees in this regard. It was from this long-dispossessed population in Uganda that the RPF was born. Denial of the right of return by the Habyarimana government was a key grievance of the RPF which made resolution of the "old" refugee problem a key plank in its platform. Now that the RPF has come to power, there will be increased pressure to accommodate returnees from among the estimated 500,000 old refugees. (And probably increased pressure from the asylum countries on the refugees to leave!) Already as many as 60,000 are reported to have returned from Uganda. They will need access to land; but that should not come at the expense of those who have recently fled.

In focussing on the basic Hutu - Tutsi cleavage in Rwanda and Burundi, we should not lose sight of the cleavages -- along clan lines, for example -- within each of the larger groups.

The Community of Uprooted

The basic needs of returning refugees and of the internally displaced who should be returning to their homes are likely to be the same (though there will be economic differences within both populations, for example in terms of what household items they will have managed to retain). More or less the entire country has been uprooted in this crisis. It is imperative that for both practical reasons and for reasons of promoting national reconciliation that there be no distinctions made between the two groups in terms of assistance offered. Those who have been moved into "strategic hamlets" by the RPF must be allowed to go home.

Regional Approach

Similarly, there should be no distinctions among Rwandan refugees throughout the region that could create the basis for future conflicts. Voluntary repatriation must be an option for all, despite the immediate focus on Zaire. No refugee group should lose out, for example, in the scramble to regain land. As noted above, what happens in Rwanda will have an important demonstration effect on Burundi. All of the countries in the region are intertwined in terms of refugees. Tanzania hosts refugees from Rwanda, Burundi, and Zaire. Zaire hosts refugees from Rwanda, Burundi, and Uganda. Uganda hosts refugees from Rwanda and Zaire. Burundi hosts Rwandans and Zairais. Rwanda hosts Burundi. And so, there are potential domino effects.

Orphans and other Vulnerable Groups

Among both the refugees and the displaced there will be special groups of vulnerable people in need of special assistance. Orphans, unaccompanied minors, female heads of household, and the handicapped (e.g., amputees) must be given

appropriate attention. Tracing services for families that have been separated by the crisis -- particularly for the unaccompanied minors -- will be critical. The growing number of orphans is likely to attract a certain amount of unhelpful international attention such as offers of adoption. In general, the vulnerables should not be left behind in return movements.

Keep it Simple

As with all refugee repatriations, there is often a temptation to overly, and unnecessarily, organize return movements. The international community should consult the refugees to identify and address obstacles to return rather than reflexively try to do everything for people. Ultimately scarce humanitarian resources should not be "wasted" providing what people may not really need.

Repatriation Must Be Voluntary

It is a cardinal principle of international law that no refugee should be forcibly returned to a place where s/he has a well-founded fear of persecution. In our enthusiasm to relieve the suffering of Rwandans in Zaire through returning them to their homes, we must not forget this principle. UNHCR and we can promote voluntary repatriation by making available information on conditions inside Rwanda, even undertaking to counter extremist propaganda. The choice to return is made, not by UNHCR or the donors, but by the refugees themselves.

Not a One-Way Street

As with all refugee repatriations, there is likely to be a residual population -- perhaps even in the range of several hundred thousand -- that does not return home immediately after the start of a repatriation effort. Moreover, there may be Rwandans who still seek to flee the country. Borders must remain open in both directions. And the international community must be prepared to assist with care and maintenance activities as well as repatriation activities. In the current circumstance, that means that UNHCR must move to disperse refugees into more manageable sites (necessarily farther from the border) at the same time as return home may be possible.

The Role of UNHCR

The internationally mandated role of UNHCR is to provide protection for refugees and to pursue durable solutions for them -- preferably voluntary repatriation. (Material assistance is clearly related to both, but is not UNHCR's mandated role.) When UNHCR deems that conditions are ripe, it will move to promote voluntary repatriation, as opposed to simply facilitating it for those who step forward. The line

between facilitate and promote is often blurred and it is a sometimes difficult threshold for UNHCR to cross given the often ambiguous political circumstances in the country of origin. We have received some potentially conflicting signals from UNHCR with respect to this crisis. In the field, relief workers are telling refugees that they might as well go home if they can given the difficulties of marshalling adequate relief for overcrowded camps. UNHCR/Geneva has expressed misgivings about the current prospects for the standard voluntary repatriation in safety and dignity and whether UNHCR is prepared yet to move into a promotion mode.

Normally, in large-scale returns, UNHCR has both a repatriation program (for example, a basic household package, seeds and tools, food to cover the period up until the first new harvest, and transportation) and a returnee program (for example, community-based help such as repair of clinics and schools). A returnee program normally lasts about one year or until returnees are self reliant again. Where refugees are returning to an area that also has displaced persons, UNHCR may cover the needs of both groups or share ("cross mandates") with other assistance agencies.

In the case of Rwanda, UNHCR can be expected to organize at least a limited returnee effort, unless it continues to be so stressed by large numbers of refugees and/or other agencies step forward inside Rwanda. In any event, UNHCR would need the assistance of its sister U.N. agencies such as UNICEF. As with all other aspects of "Operation Provide ?? " (Do we have a jazzy name yet?), U.S. military action should be in support of UNHCR.

Role of DHA et al

The U.N. Department of Humanitarian Affairs is a coordinating entity rather than an operational one. Its field branch, the U.N. Rwanda Emergency Office (UNREO), has received fairly high marks for coordination of relief efforts inside Rwanda earlier in the crisis. It is DHA that has issued a consolidated appeal for some \$434 million for the Rwanda crisis. The Under Secretary General for Humanitarian Affairs may designate a lead agency other than UNHCR for assistance inside Rwanda insofar as the displaced outnumber the refugees.

Role of NGOs

The operational backbone of all humanitarian assistance efforts is generally the NGO community of implementing partners. It is the NGOs that staff out the health care efforts, address water and sanitation needs, distribute food, and provide education and training. Most NGOs have a limited

span of management control, with no one able to handle a crisis as large as the Rwandan one. Aside from their common appellation of "non-governmental" (which only explains what they are not!), they are a diverse and often fractious group.

Role of UNAMIR

The UNSCR authorizing the formation of UNAMIR included among its functions that of providing security for relief operations. Since everything about refugees is political -- and therefore partly a security issue -- refugee return efforts should be coordinated (at a minimum sharing information) with UNAMIR's command structure.

Role of the Special Representative of the Secretary General

Although the SRSG would have no operational role in refugee return, the inherently political nature of refugees would call for UNHCR et al coordination with the SRSG. The SRSG's efforts on conflict resolution/national reconciliation will be critical to establishing a secure environment that could in turn encourage refugee return.

CREATING A CONTEXT FOR VOLUNTARY REPATRIATION

The above suggests that several steps should be taken before moving into a return operation. These would include, but not be limited to:

- Consultations with UNHCR, other U.N. agencies particularly DHA, ICRC, key members of the NGO community from both Rwanda and countries of asylum, and the refugees themselves (being careful about what leadership elements are canvassed) in order to create a knowledge base and to build support for an eventual USG proposal for action.
- Discussions with the new Rwandan government focused on soliciting assurances with respect to screening of returnees, unhindered access to land, dis-establishment of displaced person camps of the "strategic hamlet" type, summary justice, amnesty, public pronouncements of a welcome home.
- Discussions with UNAMIR about the parameters of its role.
- Discussions with the SRSG about reconciliation/confidence building measures such as the fielding of human rights monitors.
- Aggressive U.S. leadership on the war crimes tribunal issue.
- Some conclusion about the "recognition" question.
- Design and diffusion of appropriate messages to the refugees (in all countries) through radio, loudspeakers, leaflets, etc.

OPERATIONAL CONCEPT

This becomes a relatively straightforward design problem of how to deliver those commodities and services that have been found to be critical to the success of a return and reintegration effort.

The traditional concepts of transit/reception centers and/or way stations would certainly apply. Since refugees would need to be healthy or their condition stabilized before traveling home, it is probably not necessary to have more than first aid along the way. Given the cholera problem, however, it will be critical to have cholera preparedness measures in place throughout the country (e.g., cholera camps set up with ORS prepositioned and health care personnel lined up) before refugees bring the infection back with them.

The design must include such issues as the vulnerables, a mechanism for follow on assistance for those who will not have a harvest, community-based quick impact projects, maintenance of law and order, and follow-up on any protection problems. Trickier issues such as adjudication of land claims would likely be beyond the ken of the repatriation effort.

Depending upon the capacities of the international and non-governmental organizations, and on the size of the refugee population that is willing to repatriate, the U.S. Military could be called upon to play a critical role in providing a large-scale logistical effort. It would seem to be desirable to have other nations' militaries associated with such an effort, rather than risk the perception that the U.S. has some special interest in the political outcome in Rwanda.

The issue of whether the Kigali airport is used as a delivery point touches both logistical and political concerns.

For the U.S. Military, the issues of a presence inside Rwanda that potentially overlaps with the humanitarian aspects of UNAMIR's mandate, ROE, SOFA, and so on require internal policy decisions.